

 38. (Amended) ~~The method of claim 37, wherein shaping includes shaping the aluminum~~  
metal skateboard near said front end and rear end at a predetermined angle.

#### REMARKS

Claims 18, 19, and 22-38 are pending in the present application and stand rejected under the judicially created doctrine of double patenting and 35 U.S.C. 103(a). Claims 18, 19, 23-25, 28, 29, 34 and 36-38 have been amended to more clearly and specifically set forth the subject matter that Applicant regards as the invention.

Applicant respectfully requests reconsideration and allowance of the application in view of the included amendments and the following remarks.

#### Double Patenting

In regard to the provisional rejection of claims 18, 23-28, 31, 33, 37 and 38 under the judicially created doctrine of double patenting over the claims of co-pending Application No. 09/206,720, a terminal disclaimer is enclosed herewith. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

#### §103(a) – Ellett in view of Mayr and Dickert:

In regard to the rejection of claims 18 and 24 as being unpatentable over Ellett in view of Mayr and Dickert, Applicant respectfully traverses this rejection because the cited combination of these references fails to teach all the claim limitations of independent claim 18.

Claim 18 recites a method of manufacturing a skateboard and, per the Examiner's suggestion, has been amended to make it clear in the recited steps that the recited metal board is a skateboard and the skateboard is adapted to be ridden by a standing person whose feet extend generally perpendicular to a longitudinal axis of the skateboard.

In contrast, Ellett, Mayr and Dickert relate to snow skis. For instance, Ellett describes a snow ski attached to a ski bike, Mayr teaches a snow ski and Dickert teaches removable rollers for attachment to skis. Neither Ellett's ski bike nor Mayr's snow ski discloses, teaches or suggests a skateboard. Moreover, the addition of Dickert's ski rollers to Ellett's ski bike does not cure this

deficiency. The snow ski taught by Ellett is attached to a snow bike and is designed to be ridden in a sitting position, not to be ridden by a standing person whose feet extend generally perpendicular to the longitudinal axis of the board. Adding rollers to the snow bike does not transform the snow bike into a skateboard. Skateboards are adapted to be mounted on wheels for the purpose of being ridden on a hard surface such as cement or pavement, and are adapted to be ridden with both rider's feet extending generally perpendicular to the longitudinal axis of the board. Further, a skateboard undergoes much greater stress during normal activity than a snow ski because a skateboard is used on a much a harder surface, i.e., cement or pavement compared to snow, and skateboards are frequently used for jumping onto such a hard surface. Thus, the snow ski teachings of Ellett, Mayr and Dickert are not applicable to skateboards.

In addition, the shape of the skis in Ellett, Mayr and Dickert are not suitable for a skateboard, as claim 18 recites, and do not disclose, teach or suggest shaping the skateboard near the rear end at a predetermined angle. In contrast, the Ellett and Mayr ski is in a shape suitable for a snow ski, with an exaggerated up-turned front end and straight back end which is preferable for gliding down snow covered hills.

Therefore, Applicant respectfully submits that claims 18 and 24 are not obvious over Ellett in view of Mayr and Dickert because the combination of Ellett, Mayr and Dickert does not achieve the claimed method for manufacturing a skateboard. Applicant respectfully requests that this rejection be withdrawn.

§103(a) – Ellett in view of Mayr, Dickert and Evancho:

In regard to the rejection of claims 19, 23, 25-33, 37 and 38 as being unpatentable over Ellett in view of Mayr, Dickert and Evancho, Applicant respectfully submits that these claims are not obvious for the reasons given above with respect to Ellett in view of Mayr and Dickert. The combination of the cited references does not disclose, teach or suggest a method of manufacturing a skateboard, as recited in the amended claims. Further, proper motivation does not exist to combine Evancho with Ellett, Mayr and Dickert because the references are in non-analogous arts. Ellett, Mayr and Dickert relate to skiing devices and are classified in Class 280. In contrast, Evancho is in the distinctly different field of automobile bumper manufacturing and is in Class 148. Thus, proper

motivation does not exist to combine these non-analogous references. Therefore, Applicant respectfully submits that claims 19, 23, 25-33, 37 and 38 are not obvious over Ellett in view of Mayr, Dickert and Evancho because the combination does not achieve the claimed invention and proper motivation does not exist to combine these references.

§103(a) – Ellett in view of Mayr, Dickert and Le Masson

In regard to the rejection of claim 22 as being unpatentable over Ellett in view of Mayr, Dickert and Le Masson, Applicant respectfully submits that these claims are not obvious for the reasons given above with respect to Ellett in view of Mayr and Dickert. The combination of the cited references does not disclose, teach or suggest a method of manufacturing a skateboard, as recited in the amended claims. Therefore, Applicant respectfully submits that claim 22 is not obvious over Ellett in view of Mayr, Dickert and Le Masson and respectfully requests that this rejection be withdrawn.

§103(a) – Mayr in view of Dickert and Evancho:

In regard to the rejection of claims 34-36 as being unpatentable over Mayr in view of Dickert and Evancho, Applicant respectfully submits that these claims are not obvious for the reasons given above with respect to rejection of claims 19, 23, 25-33, 37 and 38 (Ellett in view of Mayr, Dickert and Evancho). The cited combination does not teach all the claim limitations of amended claim 34 and proper motivation does not exist to combine these references. Therefore, Applicant respectfully submits that claims 34-36 are not obvious over Mayr in view of Dickert and Evancho.

CONCLUSION

On the basis of the above amendments, reconsideration and allowance of the application is believed to be warranted and such action is respectfully requested. If the Examiner has any questions or comments regarding this amendment, he is respectfully urged to contact the undersigned at the number listed below.

Respectfully submitted,

LYON & LYON LLP

By: 

Stephen C. Beuerle  
Reg. No. 38,380

Date: August 7, 2000

633 West Fifth Street, 47<sup>th</sup> Floor  
Los Angeles, CA 90071-2066  
(858) 552-8400